IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.492 OF 2005
IN
SUIT NO.3535 OF 2000

M/s.Konari Builders Pvt.Ltd. Plaintiffs

versus

Ramakant Shankarlal Demohe
and another Defendants

Mr.N.R.Shah i/by A.K.Rao for plaintiffs.

Mr.P.P.Surve for defendant no.1.

Mr.L.M.Aacharya for defendant no.2.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 2nd May 2006

PC :

1. After hearing learned advocates appearing for the parties and perusing the affidavit that is filed by the Director of defendant no.2, I am of the view that present Chamber Summons moved by the plaintiffs for amendment, is not bona fide at all. From the comparative averments which are enlisted in a chart which is handed over by Shri Acharaya as also perusal of the affidavit of the Director of defendant no.2 and the annexures thereto, it is apparent that self-same pleas

which were subject matter of previous Chamber Summons being Chamber Summons No.624 of 2003, are sought to be raised by the plaintiff. This Court by the order passed in the earlier Chamber Summons, has refused the prayer for amendment and joinder of parties by assigning reasons. The liberty granted by the Division Bench, is not to incorporate same amendments, permission to incorporate which, has been specifically refused. It is apparent that the very same amendments are sought to be introduced in the plaint. The earlier orders, therefore, would clearly govern the field. Present Chamber Summons is, therefore, not maintainable. It is accordingly dismissed.

2. I have passed this order because this matter appeared before me from 7th March 2006 and has been repeatedly adjourned. Today also, the learned advocate for the plaintiff sought adjournment. However, no rejoinder affidavit is filed although the affidavit of Director of defendant no.2, is on record since 19th July 2005. In these circumstances, application for adjournment was refused by me.

(S.C.DHARMADHIKARI, J.)